

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATSY BORUM,

Plaintiff,

Case No. 13-cv-12421

Hon. Matthew F. Leitman

v.

ILLINOIS CENTRAL RAILROAD, CO., et al.

Defendants.

**ORDER GRANTING DEFENDANTS' BILL OF COSTS (ECF #31) AND TAXING
COSTS ON PLAINTIFF**

On August 5, 2014, this Court issued an Opinion and Order granting Defendants Illinois Central Railroad, Co.'s and Colin McKelvie's Motion for Summary Judgment. (*See* ECF #27.) The Court also entered a Judgment in favor of Defendants. (*See* ECF #28.) Defendants thereafter requested that the Clerk of Court tax costs in the amount of \$1,477.00 that they incurred in connection with the depositions of McKelvie and Plaintiff Patsy Borum (the "Depositions"). (*See* the "Bill of Costs," ECF #31.) The Clerk denied Defendants' request because (1) "the bill of costs d[id] not document how the [Deposition] transcripts were used" in the litigation, and (2) "[n]o receipt/invoice was provided as to the court reporter fees for ... McKelvie['s]" Deposition (*See* the "Clerk's Denial," ECF #32 at 1-2, Pg. ID 360-61.)

On September 12, 2014, Defendants filed their "Objections to Denial of Costs." (*See* the "Objections," ECF #33.) The Court (through its case manager) informed the parties via electronic mail that it would treat the Objections as a motion to review the

Clerk's Denial pursuant to Fed. R. Civ. P. 54(d)(1) and that Plaintiff would have the opportunity to respond to the Objections. (*See* Exhibit A, attached.) Pursuant to Local Rule 7.1(e)(2), the time for filing a response has now expired, and Plaintiff has not filed a response.

The Court has reviewed the Objections and finds that Defendants have (1) demonstrated that they relied on the Depositions in their Motion for Summary Judgment, and (2) submitted an invoice for the cost of McKelvie's deposition. (*See* Objections at 1-2, Pg. ID 363-64; ECF #33-1 at 3, Pg. ID 369.) Accordingly, the Court finds that Defendants' request for costs is appropriate.

For the reasons explained above, Defendants' Bill of Costs (ECF #31) is **GRANTED. IT IS HEREBY ORDERED** that costs in the amount of \$1,477.00 are taxed on Plaintiff Patsy Borum.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 8, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 8, 2014, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113

EXHIBIT A



13-cv-12421-MFL-LJM Borum v. Illinois Central Railroad, Co. et al

Holly Monda to: ddimascio, etyler, haslaw, hrobbins, jgramse, 09/16/2014 11:05 AM
jweiner, tpeterson

From: Holly Monda/MIED/06/USCOURTS

To: ddimascio@littler.com, etyler@littler.com, haslaw@earthlink.net, hrobbins@littler.com,
jgramse@littler.com, jweiner@littler.com, tpeterson@littler.com,

Counsel:

Defendants filed objections to the clerk's denial of costs in the above case. The Court will treat the objection as a motion pursuant to Federal Rule 54(d)(1). Accordingly, plaintiff may file a response as provided in Local Rule 7.1, if they so choose.

Should you have any questions, please do not hesitate to contact me. Thank you.



Holly A. Monda
Case Manager to U.S. District Judge Matthew F. Leitman
U.S. District Court – Eastern District of Michigan
231 West Lafayette Blvd.
Detroit, Michigan 48226
(313) 234-5113
holly_monda@mied.uscourts.gov